

A BILL

To authorize (1) a transfer of credit between the Central Intelligence Agency Retirement and Disability System and the social security system and (2) social security minimum benefits for annuitants under the Central Intelligence Agency Retirement and Disability System, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of  
2 the United States of America in Congress assembled, That the  
3 Central Intelligence Agency Retirement Act of 1964 for Certain  
4 Employees (78 Stat. 1043; 50 U.S.C. 403 note) is amended by  
5 adding a new subsection to 204 (b) as follows:

6 "(4) 'Tax equivalent' means an amount equal to the taxes which  
7 would have been payable (but which have not been paid) under  
8 section 3101 of the Internal Revenue Code of 1954 with respect  
9 to service after June 30, 1966, during which the participant was  
10 subject to this Act, if the basic salary received by him for such  
11 service had at the time constituted remuneration for employment  
12 for purposes of title II of the Social Security Act."

13 SEC. 2. Subsection 232 (a) of the Central Intelligence Agency  
14 Retirement Act (50 U.S.C. 403 note) is amended to read as follows:

15 'SEC. 232. (a) In case a participant dies and no claim for  
16 annuity is payable under the provisions of this Act, his contributions

1 to the fund shall be paid in accordance with section 241."

2 SEC. 3. The heading immediately preceding section 241  
3 and subsection 241 (a) of the Central Intelligence Agency Retirement  
4 Act (50 U.S.C. 403 note), are amended to read as follows:

5 "PART E---LUMP-SUM PAYMENTS

6 "SEC. 241. (a) Whenever a participant becomes separated  
7 from the Agency without becoming eligible for an annuity or a  
8 deferred annuity in accordance with the provisions of this Act,  
9 his lump-sum credit consisting of (1) his compulsory and special  
10 contributions to the fund less (2) in the case of a participant sepa-  
11 rated after 1967, the tax equivalent as defined in section 204 plus  
12 (3) interest thereon at 4 per centum per annum to December 31,  
13 1947, and 3 per centum per annum thereafter compounded annually  
14 to December 31, 1956 (or, in the case of a participant separated  
15 from the Agency before he has completed five years of service,  
16 to the date of separation) and proportionately for the period served  
17 during the year of separation, shall be returned to him."

18 SEC. 4. Immediately following section 291 of the Central  
19 Intelligence Agency Retirement Act (50 U.S.C. 403 note) there  
20 is hereby added the following new part:

21 "PART K---TRANSFER OF CREDIT TO SOCIAL SECURITY SYSTEM

22 "SEC. 292. If a participant separates from the Agency or  
23 transfers to a position wherein he is no longer a participant after  
24 1967, and neither he nor any of his survivors is entitled to an

1 annuity or a deferred annuity under this Act on the basis of his  
2 service at the time he or any of his survivors becomes entitled  
3 (or would become entitled if his Government service were  
4 counted) to monthly benefits or a lump-sum death payment under  
5 title II of the Social Security Act on the basis of his wages and  
6 self-employment income, the participant's Government service  
7 performed after June 30, 1966, shall be taken into account for  
8 purposes of the Social Security Act and, if so used, shall not  
9 at any time thereafter be creditable for purposes of retirement  
10 under this or any other retirement system for Government  
11 employees. Upon request from the Secretary of Health,  
12 Education, and Welfare in connection with any determination  
13 under title II or title XVIII of the Social Security Act, the Secretary  
14 of State shall furnish a record of the former participant's service  
15 and basic salary received for such service performed under this  
16 Act after June 30, 1966, and shall certify whether such former  
17 participant or any of his survivors is entitled to an annuity under  
18 this Act on the basis of such service."

19 SEC. 5. Immediately following section 292 of the Central  
20 Intelligence Agency Retirement Act (50 U.S.C. 403 note) there  
21 is hereby added the following new part:

22 "PART L---SOCIAL SECURITY MINIMUM BENEFITS

23 "SEC. 293. (a) If after 1967 a participant retires on an  
24 immediate annuity, such annuity shall be at least the smallest

25 of:

1       "(1) the minimum annuity base as determined under  
2       under subsection (e) of this section;

3       "(2) the sum necessary to increase to the minimum  
4       annuity base the product of 12 times any monthly bene-  
5       fits under title II of the Social Security Act for which  
6       he is eligible; or

7       "(3) 80 per centum of his high-five average salary  
8       computed under section 221.

9       Except for disability annuitants, this subsection will not apply  
10      until the month a participant or annuitant becomes 65 years of  
11      age.

12      "(b) If after 1967 a participant dies after completing at  
13      least five years of civilian service, or an annuitant dies whose  
14      annuity was based on service terminating after 1967, the annuity  
15      granted to the widow or dependent widower under section 232 or  
16      to the surviving wife or husband under section 221 shall be at  
17      least the smallest of---

18      "(1) 75 per centum of the minimum annuity base  
19      determined in accordance with subsection (e) of this  
20      section for any month before the month in which the  
21      survivor becomes 62 years of age, and 82-1/2 per centum  
22      of such minimum annuity base for any month thereafter;

23      "(2) the sum necessary to increase to the applicable  
24      percentage of such minimum annuity base the product  
25      of 12 times any monthly benefit under title II of the

1 Social Security Act for which the survivor is eligible;

2       "(3) 80 per centum of the deceased's high-five  
3       average salary computed under section 221.

4 This subsection does not apply to ---

5       "(A) any surviving spouse under subsection 221 (b)  
6       where the deceased annuitant did not elect to provide  
7       a survivor annuity based on the full amount of his  
8       annuity; or

9       "(B) the annuity of any survivor for any month  
10       before the month in which the survivor becomes 62  
11       years of age, unless for that month an annuity is pay-  
12       able under this title to at least one surviving child of  
13       the deceased who is under 18 years of age or is incapable  
14       of self-support because of physical or mental disability  
15       incurred before age 18.

16       If after 1967 a participant dies after completing at  
17       least 5 years of civilian service, or an annuitant dies  
18       whose annuity was based on service terminating after  
19       1967, the annuity granted to each surviving child under  
20       this title shall be at least the smallest of---

21               "(1) 75 per centum of the minimum annuity base  
22               determined in accordance with subsection (e) of this  
23               section:

24               "(2) the sum necessary to increase to 75 per  
25               of such minimum annuity base the product of 12

1 times any monthly benefit under title II of the  
2 Social Security Act for which the child is eligible;  
3 or  
4 "(3) 80 per centum of the deceased's high-five  
5 average salary computed under section 221.  
6 "(d) The total of the annuity payable to all survivors  
7 of a participant or of an annuitant computed under subsection (b)  
8 and (c) of this section may not exceed the difference between  
9 "(1) the family maximum determined in accordance  
10 with subsection (e) of this section, minus  
11 "(2) the product of 12 times the sum of all monthly  
12 benefits under title II of the Social Security Act for  
13 which all the survivors are eligible.  
14 Whenever the total of such annuities exceeds such difference,  
15 the annuities shall be reduced proportionately except that  
16 this subsection shall not act to reduce the annuity of any  
17 survivor computed without regard to subsection (b) and (c)  
18 of this section.  
19 "(e) (1) 'Minimum annuity base' is the greater of (a)  
20 the amount computed in accordance with the formula stated  
21 in 5 U.S.C. 8331 (18) or (b) the amount appearing in column  
22 II of the table in 5 U.S.C. 8331 (18) opposite the amounts in  
23 column I of said table which encompass the governing high-five  
24 average salary for the case.

1           "(2) 'Family maximum' is the amount appearing in  
2 column III of the table in section 8331 (18) of title 5, United  
3 States Code, opposite the lowest amount in column II of such  
4 table which is at least equal to his minimum annuity base."